

Common Federal and State Definitions		In State Law Now? Yes/No
Sec. 803: Definition of Subsistence Uses	<ul style="list-style-type: none"> <li>Define "C&amp;T" and "Subsistence Use" using existing state definitions.</li> <li>Delete "domiciled in rural area" from the definition of subsistence uses, to comport with proposed constitutional amendment subsection (c).</li> <li>Clarify that participation is by Alaska residents of rural areas or communities with customary and traditional use of particular resources.</li> <li>Clarify that subsistence uses include patterns, practices, methods and means of taking and use, including option for the board <i>to approve more efficient methods and means</i>.*.</li> </ul>	Yes No Yes No*
Approach to defining "rural"  Federal Subsistence Board regulations:  1) <2,500 – presumed rural 2) 2,501 – 6,999 – no presumption; determination based on specified criteria 3) 7,000 and above – presumed non-rural  Presumptions can be overruled by characteristics of the community.	<ul style="list-style-type: none"> <li>Evaluate use of population criteria to define rural and non-rural presumptions. For communities with no presumption, establish appropriate factors to consider.</li> <li>Factors could include those found in current state law (16.05.258), which directs the boards to consider the following characteristics in identifying non-subsistence (non-rural) areas: (1) social and economic structure (2) stability of the economy (3) extent and types of employment (4) amount and distribution of income (5) cost and availability of goods and services (6) variety of fish and game species used (7) seasonal cycle of economic activity (8) % participation in hunting and fishing (9) harvest levels of fish and game (10) cultural and other values associated with taking and use of fish and game (11) geographic locations where people hunt and fish (12) extent of sharing fish and game (13) additional factors established by the boards.</li> </ul>	No  Yes
Definition of "Customary Trade"	<ul style="list-style-type: none"> <li>Non-commercial, <i>traditional</i>* limited exchange of money for fish, wildlife, or their parts is allowed in limited quantities (sale of fur or furbearers is exempt).</li> <li>Intent is to provide for an ongoing traditional practice, and not to allow people to engage in the ordinary stream of commerce.</li> </ul>	No*

Subsistence Statute Concepts for Consistency with ANILCA		In State Law Now? Yes/No
Sec. 804: Preference for Subsistence Uses	<ul style="list-style-type: none"> <li>When it is necessary to restrict taking of fish, game, or another renewable resource in a rural area, the legislature shall accord a priority to C&amp;T subsistence uses of that resource by residents of the area in which those uses have occurred.</li> <li>The priority for C&amp;T subsistence uses shall be over all other consumptive uses of the resource.</li> <li>Restrictions to protect particular subsistence uses may be applied outside the subsistence use area.</li> <li>Tier II: When a resource is not sufficient to satisfy all C&amp;T subsistence uses, priorities among subsistence users shall be based on customary and direct dependence on the resource as the mainstay of livelihood, <i>proximity to the resource*</i>, and the availability of alternative resources.</li> <li>Tier II allocation is for human consumptive uses.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No*</p>
Sec 805: Local and Regional Participation	<ul style="list-style-type: none"> <li>There shall be a sufficient number of regions and Regional Councils (RCs) to ensure regional subsistence use patterns are adequately accommodated, subsistence users are meaningfully involved, and subsistence resources and uses are effectively managed.</li> <li>RC members shall be rural residents and Alaska Natives of the region and be appointed by the governor, who shall consider nominations by local governmental units and tribal councils.</li> <li>RC process will ensure participation and representation by commercial, personal use, sport and other users and members of the public.</li> <li>RCs involved to the maximum extent possible in the management of subsistence uses and resources, including development of comprehensive subsistence management plans, which include, but are not limited to, recommendations for regulations consistent with C&amp;T takings and uses, comprehensive research plans, and implementing Tier II.</li> <li>Meaningful involvement of RCs in classification of rural and non-rural areas and accommodation of subsistence needs of groups and individuals in areas reclassified as non-rural.</li> </ul>	No

(continued)

(continued)	<ul style="list-style-type: none"> <li>• RC chair joins board (ex officio) on issues affecting subsistence uses or resources of the region, including deliberations.</li> <li>• Boards must defer to council recommendations unless (1) not supported by substantial evidence; (2) violates recognized principles of fish and wildlife conservation; or (3) would be detrimental to subsistence uses. The Board's rejection must be supported by substantial evidence, and the Board shall recognize and give weight to traditional and local knowledge in making this determination.</li> <li>• If the Board rejects an RC recommendation, the Board must remand it one time to the RC for a chance to amend the recommendation, taking into consideration the Board's concerns.</li> <li>• The Department of Interior and State of Alaska shall provide annual funding, staff and support necessary to substantially strengthen the ability of the boards of fisheries and game to support the RC system and meet current and increasing responsibilities.</li> <li>• State agencies must consult with RCs and consider the RCs' management plans when making decisions affecting subsistence uses or resources within a region.</li> <li>• Strengthen the state advisory committee system and ensure coordination and participation with Regional Councils (RCs).</li> </ul>	
<b>Other State Statutory or Regulatory Changes</b>		<b>In State Law Now? Yes/No</b>
Defining a standard for implementation of the subsistence preference	<ul style="list-style-type: none"> <li>• Regulations managing the harvest shall provide a meaningful opportunity, as determined by the appropriate board and consistent with customary and traditional patterns and practices of taking and use, to participate in a subsistence hunt or fishery with a meaningful expectation of success. Meaningful opportunity shall not guarantee the taking of fish or game.</li> </ul>	No
Coordination, consultation, contracting, use of traditional knowledge, creation of specific co-management bodies	<ul style="list-style-type: none"> <li>• Commissioner shall seek data from, consult with, and make use of the special knowledge of local residents engaged in subsistence uses.</li> <li>• Commissioner may enter into cooperative agreements or otherwise cooperate with federal agencies, other state agencies, Alaska Native organizations, and other appropriate persons and organizations.</li> </ul>	No  No

Other State Statutory or Regulatory Changes		In State Law Now? Yes/No
Taking fish and game by proxy (to address the situation of villagers who moved to urban areas)	<ul style="list-style-type: none"> <li>A family member of a rural resident may take fish or wildlife on behalf of that rural resident, in a rural area.</li> </ul>	No*
Cultural and educational permits (to address the situation of villages that have become surrounded)	<ul style="list-style-type: none"> <li>Boards allow permits for taking of fish and wildlife to teach and preserve historic or traditional uses and harvest practices.</li> <li>Taking may occur in non-rural areas.</li> <li>Not a subsistence priority under current statutes. Could be afforded <i>lower subsistence priority</i>* under subsection (c) of proposed constitutional amendment.</li> </ul>	Yes  No*
Community hunt permits	<ul style="list-style-type: none"> <li>Boards may allow subsistence harvest permits to be issued to areas, villages, communities, groups, as well as individuals.</li> </ul>	Yes